

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-5036

Colonial Press International, Inc.

v.

United States

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Colonial Press International, Inc.

Party is (select one) ☒ Appellant/Petitioner ☐ Cross-Appellant
☐ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. U.S. Court of Federal Claims; Case # 1:13-cv-00403-MBH

Date of Judgment/Order November 1, 2013 Type of Case Contract (Bid Protest)

Relief sought on appeal Reversal of judgment, remand to agency, and permanent injunctive relief.

Relief awarded below (if damages, specify) None

Briefly describe the judgment/order appealed from Judgment was entered in favor of Defendant/Appellee United States denying Plaintiff/Appellant Colonial Press International, Inc.'s post-award bid protest of a nonresponsibility determination. The judgment was based on an opinion that denied Plaintiff/Appellant's Motion for Judgment on the Administrative Record and granted Defendant/Appellee's Cross-Motion for Judgment on the Administrative Record.

Form 26

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

None

Brief statement of the issues to be raised on appeal _____

1. Whether the Contracting Officer's non-responsibility determination lacked a rational basis?
 2. Whether the Contracting Officer's non-responsibility determination was contrary to law or failed to observe the procedure required by 15 U.S.C. § 637(b)(7) and 13 C.F.R. § 125.5?
 3. Whether Appellant is entitled to a new non-responsibility determination and permanent injunction?
- _____

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom? _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☒ Yes ☐ No

If you answered no, explain why not _____

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

None

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 22nd day of January, 2014

by: CM/ECF filing and e-mail.

(manner of service)

Anthony W. Hawks

/s/ Anthony W. Hawks

Name of Counsel

Signature of Counsel

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